

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

EDWIN LENO WILSON JR.,

Plaintiff,

v.

1:14-cv-02220-WSD

**AGENTS FOR THE
INTERNATIONAL MONETARY
INTERNAL REVENUE, et al.,**

Defendants.

OPINION AND ORDER

This matter is before the Court on Plaintiff Edwin Leno Wilson Jr.'s ("Plaintiff") Motion for Declaratory Judgment [3] and Motion for Disclosure of Information [8].

On July 14, 2014, Plaintiff filed a *pro se* Complaint against Defendants "Agents for the International Monetary Internal Revenue," "Special Procedures Function Officer," "Principal Governor of the International Monetary Fund" a/k/a "Secretary of the Treasury," and Jack Lew, as "Trustee of the Fund." On July 22, 2014, Plaintiff filed a Motion for Declaratory Judgment. On August 12, 2014, Plaintiff filed a Return of Service form, indicating that the Complaint was served on Jacob Lew, the Secretary of the Treasury ("Secretary of

the Treasury”), on July 28, 2014, and Eric Holder, the United States Attorney General (“Attorney General”), on July 29, 2014. To date, Defendants have not answered the Complaint. Plaintiff appears to believe that serving the Complaint on the Secretary of the Treasury and the Attorney General is sufficient to serve the Complaint on all Defendants.

Under Rule 4(i)(2), an agency, corporation, officer or employee of the United States is served by delivering a copy of the Summons and Complaint to the agency, corporation, officer or employee of the United States, *and* delivering a copy of the Complaint and summons to the United States.

See Fed. R. Civ. P. 4(i)(2). To serve the United States, Rule 4(i)(1) of the Federal Rules of Civil Procedure requires a party to:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk—or

(ii) send a copy of each by registered or certified mail to the civil process clerk at the United States attorney’s office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington D.C.; and

(C) if the action challenges an order of a non-party agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

See Fed. R. Civ. P. 4(i)(1).

Plaintiff is not in “substantial compliance” with the requirements of Rule 4(i)(1)(A) because he did not deliver a copy of the Summons and Complaint to the United States Attorney for the Northern District of Georgia. Plaintiff also is not in “substantial compliance” with Rule 4(i)(2) because he did not deliver a copy of the Summons and Complaint to Defendants “Agents for the International Monetary Internal Revenue” and the “Special Procedures Function Officer.” “Service of process that is not in ‘substantial compliance’ with the requirements of the Federal Rules is ineffective to confer personal jurisdiction over the defendant, even when a defendant has actual notice of the filing of the suit.”

Abele v. City of Brooksville, Fla., 273 F. App’x 809, 811 (11th Cir. 2008).

Under Rule 4(m) of the Federal Rules of Civil Procedure, the Court, on motion or on its own after notice to Plaintiff, must dismiss the action without prejudice or order that service be made within a specified time. See Fed. R. Civ. P. 4(m).


Accordingly, for the foregoing reasons,

IT IS HEREBY ORDERED that Plaintiff shall properly serve the Defendants, as required by Rule 4(i) of the Federal Rules of Civil Procedure, and shall, on or before February 13, 2015, comply with the service and mailing

requirements of Rule 4(i) of the Federal Rules of Civil Procedure. Failure to file, on or before February 13, 2015, a pleading, under oath, showing that Plaintiff has complied with the service, proof of service, and mailing requirements of Rule 4(i), will result in the dismissal of this action.

IT IS FURTHER ORDERED that all motions pending in this action are **DENIED AS MOOT**.

SO ORDERED this 23rd day of January, 2015.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE